



North Dakota Department of Transportation

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Director

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Docket Management System
U.S. Department of Transportation
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Thank you for this opportunity to comment on the interim final rule, published and effective May 5, 2003, by the Transportation Security Administration (TSA), Department of Homeland Security. This interim final rule concerned "security threat assessment for individuals applying for a hazardous materials endorsement for a commercial drivers license" (CDL).

While there are many issues and questions about the interim final rule and a companion one issued by the Federal Motor Carrier Safety Administration, we will focus here on only one issue. On other issues and questions, we will be working with, and collaborating with, the American Association of Motor Vehicle Administrators.

At the end of the summary of the interim final rule, found at the top of the first column on page 23858, there is a comment that for the first 180 days the state requirements of the rule are in effect, a state may extend the expiration date of a hazardous materials endorsement until TSA has notified the state that an individual does or does not pose a security threat. We were unable to find any other reference to this possible extension.

Our comment is that states should be allowed to initially extend the expiration date of the hazardous materials endorsement in a manner that works best for the jurisdiction. Some examples are: utilize the expiration date of the CDL document itself; utilize an extension card that contains the expiration date for hazardous material that must be carried with the CDL; or use a clearly defined restriction on the CDL pertaining to the expiration date for hazardous material.

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Individual states are in the best position to decide what they should do in regard to any extension. Mandating an extension, or prescribing only one way to do it, could play havoc with a state's computerized system. It is not as easy as it sounds to just automatically extend a hazardous materials endorsement beyond its expiration date. States may not desire to issue any extensions and should feel comfortable in taking that route and not feel pressure from either federal or other state sources to go along with an extension. Extensions have the possibility of being a substantial burden on the states, particularly when it would deviate from standard procedures and require override or reprogramming of computer systems.

If you have any questions, or need further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, reading "Keith C. Magnusson". The signature is fluid and cursive, with the first name "Keith" being more prominent and the last name "Magnusson" following in a similar style.

Keith C. Magnusson
Deputy Director for Driver and Vehicle Services

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